

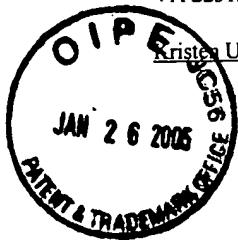
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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 26, 2005



Kristen Ursin-Smith

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**PATENT**

Attorney Docket No. 39878-0009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Isaac Shpantzer, et al.	)	
	)	Art Unit: 2633
Application No.: 10/087,022	)	
	)	Examiner: Not Assigned
Filed: February 28, 2002	)	
	)	
Title <i>System and Method for Orthogonal</i>	)	
<i>Frequency Division Multiplexed Optical</i>	)	
<i>Communication</i>	)	

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each application other than U.S. patents and U.S. patent application publications, and each cited pending unpublished U.S. application, pursuant to 37 C.F.R. § 1.97 – 1.98.

Applicant respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.



This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --

(2) It is being filed within 3 months of entry of a national stage  
-- OR --

(3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --

(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

a certification as specified in §1.97(e) is provided below; or

a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

*Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$ 0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39878-0009).

Dated: 1/26/05

Respectfully submitted,

HELLER EHRLICH WHITE & MCAULIFFE LLP

By:   
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SHEET 1 OF 1

<b>INFORMATION DISCLOSURE STATEMENT</b> <b>PTO-1449</b>		ATTY. DOCKET NO. <b>39878-0009 US</b>	SERIAL NO. <b>10/087,022</b>
		APPLICANT <b>Isaac Shpantzer, et al.</b>	
		FILING DATE <b>02/28/2002</b>	GROUP: <b>2633</b>

**U.S. PATENT DOCUMENTS**

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,096,448	06/20/1978	Hays, Cecil L.			
	5,347,525	09/13/94	Fans, Gregory W.			

**FOREIGN PATENT DOCUMENTS**

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
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						<input type="checkbox"/>	<input type="checkbox"/>

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

	Dutton, Harry J.R., "Wavelength Division Multiplexing," <i>Understanding Optical Communications</i> , Pgs. 513 – 568, (1998)
	Kazovsky, Leonid G., <i>et al.</i> , "All-fiber 90 Optical Hybrid for Coherent Communications," <i>Applied Optics</i> , 26:3, 437 – 439, (February 1987)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.